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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/785,534	02/23/2004	Tetsuya Hayashi	04101/LH	1553
1933 7590 04/04/2007 FRISHAUF, HOLTZ, GOODMAN & CHICK, PC 220 Fifth Avenue 16TH Floor NEW YORK, NY 10001-7708			EXAMINER NEGRON, WANDA M	
			ART UNIT	PAPER NUMBER
			2622	
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		04/04/2007	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/785,534

Applicant(s)

HAYASHI ET AL.

Examiner

Wanda M. Negrón

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 February 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☒ Claim(s) 3 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. **Claim 3** is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 3 recites the limitation "the memory stores other control programs" in line 2. There is insufficient antecedent basis for this limitation in the claim. It is believed claim 3 was intended to depend on claim 2, and has been treated as such for the remainder of this Office action. Appropriate correction is required.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. **Claims 1-2 and 6-10 are rejected under 35 U.S.C. 102(b) as being anticipated by Sakai (JP Published Application 2001-268413).**

6. Regarding **claim 1**, Sakai discloses a camera device (see drawing 1) comprising an optical system (11a-c), a driving unit which drives the optical system (11d-f), and a control unit (13, 21) which makes the driving unit start driving of the optical system to a predetermined state by an initialization of the optical system, i.e. releasing the collapsible zoom lens (see paragraph [0022]) by activating zoom motor 11d, before other initializations than the initialization of the optical system, i.e. initialization of the signal-processing means (see paragraph [0021]), when the camera device is started up in a state in which an operation mode for photographing is set (see paragraph [0026]).

7. Regarding **claim 2**, Sakai discloses a memory (17, 24) which stores a control program for the camera device, and wherein the control unit reads a program for startup which is required for the initialization of the optical system from the memory, i.e. reading and interpreting information that would be inherently required to control the zoom motor 11d, and reads a control program other than the program for startup from the memory, i.e. reading and interpreting information that would be inherently required to control the signal processing means, after making the driving unit start driving of the optical system to the predetermined state by an execution of the program for startup.

8. Regarding **claim 6**, Sakai discloses that the optical system comprises a sinkable lens, i.e. a collapsible lens (see paragraph [0003]).

9. Method **claims 7 and 8** are drawn to the method of using the

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corresponding apparatus claimed in claims 1 and 6. Therefore method claims 7 and 8 correspond to apparatus claims 1 and 6 and are rejected for the same reasons of obviousness as used above.

10. **Claims 9 and 10** are drawn to a computer program stored in a computer readable medium corresponding to the method claimed in claims 7 and 8.

Therefore claims 9 and 10 correspond to method claims 7 and 8 and are rejected for the same reasons of obviousness as used above.

Claim Rejections - 35 USC § 103

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. **Claims 3-5 rejected under 35 U.S.C. 103(a) as being unpatentable over Sakai (JP Published Application 2001-268413).**

13. Regarding **claim 3**, as mentioned in the discussion of claims 1 and 2 above, Sakai discloses all the limitations of the parent claim. Official notice is taken that it is old and well known to store programs in a memory either continuously or non-continuously. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to store other control programs continuously after the program for startup in order to access said control programs faster decreasing processing time.

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14. Regarding **claim 4**, as mentioned in the discussion of claims 1 and 2 above, Sakai discloses all the limitations of the parent claim. Sakai does not explicitly teach that the control unit reads the control program, except for the program for startup, from the memory without waiting for an end of the driving of the optical system to the predetermined state. However, Sakai discloses that the problem sought to be solved by his invention is to decrease the amount of time required to initialize the camera for recording (see paragraphs [0017] and [0021]). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have the control unit read the control program from the memory without waiting for an end of the driving of the optical system to the predetermined state in order to decrease the initialization time.

15. Regarding **claim 5**, official notice is taken that it is old and well known to store programs in a memory either continuously or non-continuously. Therefore, it would have been obvious to one having ordinary skilled in the art at the time the invention was made to store other control programs continuously after the program for startup in order to access said control programs faster decreasing processing time.

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16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Wanda M. Negrón whose telephone number is (571) 270-1129. The examiner can normally be reached on Mon-Fri 6:30 am - 4:00 pm alternate Fri off.

17. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Ometz can be reached on (571) 272-7593. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

18. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Wanda M. Negrón
March 29, 2007

A handwritten signature in black ink, appearing to read 'David Ometz', with a long horizontal line extending to the right.

DAVID OMETZ
SUPERVISORY PATENT EXAMINER